

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRUTERA AGROSAN EXPORT S.A., :
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Plaintiff, :
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- against - : 24-CV-2643 (VSB)
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MSC MEDITERRANEAN SHIPPING :
COMPANY SA, et al., :
:
Defendants. :
:
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:
C.H. ROBINSON COMPANY INC., :
:
Plaintiff, :
:
- against - : 24-CV-2649 (VSB)
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:
MSC MEDITERRANEAN SHIPPING :
COMPANY SA, et al., :
:
Defendants. :
:
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DOLE S.A. V MSC MEDITERRANEAN :
SHIPPING COMPANY SA, et al., :
:
Plaintiff, :
:
- against - : 24-CV-2651 (VSB)
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MSC MEDITERRANEAN SHIPPING :
COMPANY SA, et al., :
:
Defendants. :
:
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C.H. ROBINSON COMPANY INC. V. MSC :

MEDITERRANEAN SHIPPING COMPANY	:	
SA, et al.,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	24-CV-2653 (VSB)
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MSC MEDITERRANEAN SHIPPING	:	
COMPANY SA, et al.,	:	
	:	
Defendants.	:	
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ARCOTRADING, LTDA,	:	
	:	
Plaintiff,	:	
	:	
- against -	:	24-CV-2672 (VSB)
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MSC MEDITERRANEAN SHIPPING	:	
COMPANY SA, et al.,	:	
	:	
Defendants.	:	
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VERNON S. BRODERICK, United States District Judge:

Before me are five actions that were transferred to this district from the United States District Court for the Eastern District of Pennsylvania. (*See Frutera Agrosan Export S.A. v. MSC Mediterranean Shipping Company SA, et al.*, No. 24-CV-2643 (VSB), Doc. 47; *C.H. Robinson Company Inc. v MSC Mediterranean Shipping Company SA, et al.*, No. 24-CV-2649 (VSB), Doc. 26; *Dole S.A. v MSC Mediterranean Shipping Company SA, et al.*, No. 24-CV-2651 (VSB), Doc. 40; *C.H. Robinson Company Inc. v. MSC Mediterranean Shipping Company SA, et al.*, No. 24-CV-2653 (VSB), Doc. 36; *Arcotrading, LTDA v. MSC Mediterranean Shipping Company, S.A., et al.*, No. 24-CV-2672 (VSB), Doc. 15.) In four of those actions, Plaintiff, on behalf of all parties, filed a letter on April 22, 2024 requesting that I consolidate the actions and schedule a status conference. (*See* No. 24-CV-2643 (VSB), Doc. 50; No. 24-CV-2649 (VSB),

Doc. 29; No. 24-CV-2651 (VSB), Doc. 44; No. 24-CV-2653 (VSB), Doc. 38).) On May 10, 2024, I ordered the parties to file a joint letter in each of the actions before me stating their position as to whether the fifth action—*Arcotrading, LTDA v. MSC Mediterranean Shipping Company, S.A., et al.*, No. 24-CV-2672 (VSB)—should also be consolidated with the four above-referenced actions. (See No. 24-CV-2643 (VSB), Doc. 57; No. 24-CV-2649 (VSB), Doc. 37; No. 24-CV-2651 (VSB), Doc. 51; No. 24-CV-2653 (VSB), Doc. 45); No. 24-CV-2672 (VSB), Doc. 17.)

On May 15, 2024, Defendant MSC Mediterranean Shipping Company, S.A. (“MSC”) filed a letter in each action on behalf of all parties setting forth the parties’ respective positions regarding consolidation. (See No. 24-CV-2643 (VSB), Doc. 58; No. 24-CV-2649 (VSB), Doc. 38; No. 24-CV-2651 (VSB), Doc. 52; No. 24-CV-2653 (VSB), Doc. 46); No. 24-CV-2672 (VSB), Doc. 18.)

Although the parties agree that consolidation of all five actions is appropriate, Plaintiff Arcotrading, LTDA (“Arcotrading”) requests an order that discovery between it and MSC will not be delayed or affected by the motions to dismiss filed by Greenwich Terminals LLC, Gloucester Terminals LLC, Holt Logistics Corp., Delaware Avenue Enterprises Inc., and Holt Cargo Systems (the “Terminal Defendants”). In addition, the Terminal Defendants do not object to the consolidation of Case No. 24-CV-2672 (VSB) for pretrial purposes only.

Under Rule 42(a) of the Federal Rule of Civil Procedure, when “actions before the court involve a common question of law or fact, the court may,” among other things, “consolidate the actions.” Fed. R. Civ. P. 42(a). District courts have “broad discretion” in determining whether consolidation is appropriate, *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284 (2d Cir. 1990), and may consolidate actions under Rule 42(a) sua sponte, see *Devlin v. Transp. Commc’ns Int’l Union*, 175 F.3d 121, 130 (2d Cir. 1999). Rule 42(a) is an invaluable tool of judicial administration and should be liberally employed to “expedite trial and eliminate unnecessary


repetition and confusion.” *Id.* (internal quotation marks omitted). If judicial resources will be conserved thereby advancing judicial economy, district court will generally consolidate actions. *See Celotex*, 899 F.2d at 1285 (observing that “courts have taken the view that considerations of judicial economy favor consolidation”); *Bank of Montreal v. Eagle Assocs.*, 117 F.R.D. 530, 532 (S.D.N.Y. 1987) (“Considerations of judicial economy strongly favor simultaneous resolution of all claims growing out of one event.” (internal quotation marks and alterations omitted)).

Here, consolidation is appropriate. The actions involve common questions of fact, namely the alleged loss or damage to shipments of grapes imported from Chile to the United States. Consolidation is also appropriate because the actions involve common questions of law; the standard of care owed by MSC, as well as any available legal defenses, is the same in each action. Accordingly, it is hereby:

ORDERED that pursuant to Rule 42(a), the five actions before me are consolidated for pre-trial purposes. All pre-trial filings and submissions shall be made under Case No. 24-CV-2643 only.

SO ORDERED.

Dated: May 30, 2024
New York, New York


Vernon S. Broderick
United States District Judge